

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELLIOT SMERLING,	:	23cv3988 (DLC)
	:	21cr317 (DLC)
Petitioner.	:	
	:	<u>ORDER</u>
-v-	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	
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DENISE COTE, District Judge:

On May 12, 2023, Elliot Smerling, appearing pro se, moved to vacate or set aside his sentence pursuant to 28 U.S.C. § 2255 for ineffective assistance of counsel. On August 18, the Government timely filed its opposition. An Order of September 8 set a deadline of November 17 for Smerling to file any response.

By letter dated September 1, 2023, Smerling seeks to compel the Government to produce thirteen documents relating to his civil and criminal cases. Accordingly, it is hereby

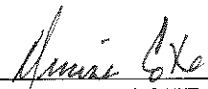
ORDERED that Smerling's discovery request is denied without prejudice to renewal once the Court has reviewed the submissions in this 2255 application.

IT IS FURTHER ORDERED that the **November 17, 2023**, deadline for Smerling to file any response is firm.

IT IS FURTHER ORDERED that, by **October 6, 2023**, the Clerk of Court is directed to mail a copy of this Order to Smerling

and note service on the docket.

Dated: New York, New York
October 2, 2023



DENISE COTE
United States District Judge